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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,359	01/15/2004	Lili Cheng	MS306033.01/MSFTP499US	5320
27195	7590	12/12/2007	EXAMINER	
AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			HEFFINGTON, JOHN M	
			ART UNIT	PAPER NUMBER
			2179	
			NOTIFICATION DATE	DELIVERY MODE
			12/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/758,359

Applicant(s)

CHENG ET AL.

Examiner

John M. Heffington

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,9,11,12,21 and 27 is/are pending in the application.
- 4a) Of the above claim(s) 13-27 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8,9,11,12,21 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

This action is in response to filing of 30 October 2007. Claims 1 and 27 have been amended. Claims 7 and 10 have been canceled. Claims 13-26 and 32-37 have been withdrawn.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 October 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-6, 8, 9, 11, 12, 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoakum et al. (US 7,139,797 B1).

Claim 1: Yoakum discloses a system that facilitates notifications, comprising:

- a. a state component that receives information relating to a state of at least one entity, wherein an entity is an individual or group of individuals (column 3, lines 28-67, column 4, lines 1-13);
- b. a notifications component that dynamically renders at least one user selected graphical indicia representative of the entity's state (column 1, lines 46-48, column 3, lines 28-67, column 4, lines 1-67, column 6, lines 5-15, column 11, lines 11-25)

but does not disclose the notification component employs a utility component that factors cost associated with rendering graphical indicia that incorrectly represents the entity's state versus benefit of rendering graphical indicia that correctly represents the entity's state.

However, Yoakum discloses measuring (weighing) user communication activity or participation to estimate the users availability. Once the activity is measured, then the system and method formulate a prioritized list of possible communication methods. The degree of participation of the user in a communication activity and the list of communication methods is sent to other subscribing users. Some users may receive different availability information and a different list of communication methods (column 3, lines 28-67, column 4, lines 1-67, column 6, lines 5-15, column 9, lines 49-59, column 11, lines 11-25). Inherent in the calculation of availability and the list of communications sent to different users is the computation of a cost/benefit factor. The system must calculate the cost/benefit of sending varying availability and communication methods to different users. Further, the system must calculate a cost/benefit of prioritizing one communication method over another. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the notification component employs a utility component that factors cost associated with rendering graphical indicia that incorrectly represents the entity's state versus benefit of rendering graphical indicia that correctly represents the entity's state to Yoakum. One could have been motivated to add the notification component employs a utility component that factors cost associated with rendering graphical indicia that incorrectly represents the entity's state versus benefit of rendering graphical indicia that correctly represents the entity's state to Yoakum because a user might want to know the cost/benefit of prioritizing a list of alternate communication methods and the cost benefit of sending different availability and communication method list to different users.

Claim 2: Yoakum discloses the system of claim 1, and further discloses the notification component renders graphical indicia as a function of a device's capability (column 3, lines 28-67, column 4, lines 1-67).

Claim 3: Yoakum discloses the system of claim 1, and further discloses the graphical indicia changes based upon the length of time the entity is in the same state (column 1, lines 30-39).

Claim 4: Yoakum discloses the system of claim 1, and further discloses an inference component that infers the state of the entity based on extrinsic data (column 3, lines 28-67, column 4, lines 1-67).

Claim 5: Yoakum discloses the system of claim 1, and further discloses the notification component dynamically renders annotations or comments as a function of entity state (column 11, lines 11-25).

Claim 6: Yoakum discloses the system of claim 1, and further discloses the personalized indicium correlates to context of the entity's state ((column 3, lines 28-67, column 4, lines 1-67).

Claim 7: (Cancelled)

Claim 8: Yoakum discloses the system of claim 1 and further discloses the system of claim 1 employs a statistical analysis (column 6, lines 5-15, column 9, lines 49-59).

Claim 9: Yoakum discloses the system of claim 1, and further discloses the notifications component is a hardware component that renders indicia as a function of device capabilities (column 10, lines 10-67, column 11, lines 1-10, figure 2B).

Claim 10: (Cancelled)

Claim 11: Yoakum discloses a server employing the system of claim 1 (column 6, lines 6—67, column 7, lines 1-9, column 10, lines 10-67, column 11, lines 1-10).

Claim 12: Yoakum discloses the system of claim 1, and further discloses the notification component is used to facilitate dynamic rendering of the personalized graphical indicia for at least one of instant messaging, e- mail, and telephone interaction (column 9, lines 49-59).

Claims 13-26 (Withdrawn)

Claim 27: Yoakum discloses a method of facilitating message notifications, comprising:

receiving state information associated with a state of at least one entity, wherein an entity is an individual or group of individuals; and presenting the at least one graphical indicia to a user (column 3, lines 28-67, column 4, lines 1-67, column 6, lines 5-15, column 9, lines 49-59, column 11, lines 11-25) but does not disclose dynamically rendering at least one user selected graphical indicia representative of the state based upon cost associated with rendering graphical indicia that incorrectly represents the entity's state versus benefit of rendering graphical indicia that correctly represents the entity's state. However, Yoakum discloses measuring (weighing) user communication activity or participation to estimate the users availability. Once the activity is measured, then the system and method formulate a prioritized list of possible communication methods. The degree of participation of the user in a communication activity and the list of communication methods is sent to other subscribing users. Some users may receive different availability information and a different list of communication methods (column 3, lines 28-67, column 4, lines 1-67, column 6, lines 5-15, column 9, lines 49-59, column 11, lines 11-25). Inherent in the calculation of availability and the list of communications sent to different users is the computation of a cost/benefit factor. The system must calculate the cost/benefit of sending varying availability and communication methods to different users. Further, the system must calculate a cost/benefit of prioritizing one communication method over another. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add dynamically rendering at least one user selected graphical indicia representative of the state based upon cost associated with rendering graphical indicia that incorrectly represents the entity's state

versus benefit of rendering graphical indicia that correctly represents the entity's state to Yoakum. One could have been motivated to add dynamically rendering at least one user selected graphical indicia representative of the state based upon cost associated with rendering graphical indicia that incorrectly represents the entity's state versus benefit of rendering graphical indicia that correctly represents the entity's state to Yoakum because a user might want to know the cost/benefit of prioritizing a list of alternate communication methods and the cost benefit of sending different availability and communication method list to different users.

Claim 28: Yoakum discloses the method of claim 27, but does not disclose ranking the personalized graphical indicia according to at least one of a number of comments, a number of accesses, and popularity of use. However, Yoakum discloses subscribers ranking users whose presence information is desired (column 6, lines 36-52).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add ranking the personalized graphical indicia according to at least one of a number of comments, a number of accesses, and popularity of use to Yoakum. One could have been motivated to add ranking the personalized graphical indicia according to at least one of a number of comments, a number of accesses, and popularity of use to Yoakum because a subscriber may wish that the system automatically rank users that the subscriber communicates with more often, i.e. most popular, ahead of users the subscriber communicates with less often.

Claim 29: Yoakum discloses the method of claim 27, but does not disclose providing multiple tiles of the at least one graphical indicia, wherein each tile differs in part according to content. However, Yoakum discloses subscribers ranking users whose presence information is desired (column 6, lines 36-52) and ranking communication methods associated with users ranked by subscribers (column 11, lines 11-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add providing multiple tiles of the at least one graphical indicia, wherein each tile differs in part according to content to Yoakum. One could have been motivated to add providing multiple tiles of the at least one graphical indicia, wherein each tile differs in part according to content to Yoakum because 1) it is common in the art to graphically represent entities such as users with graphical tiles, and 2) it would be useful to Yoakum for subscribers to rank users according to the prioritized list of communications methods associate with each user.

Claim 30: Yoakum discloses the method of claim 27, and Yoakum further discloses communicating the at least one graphical indicia, formatting of the at least one graphical indicia, and state information represented by the graphical indicia in accordance with a web broadcast feed (column 1, lines 30-39, column 3, lines 28-67, column 4, lines 1-67, column 9, lines 49-59, figure 1).

Claim 31: Yoakum discloses the method of claim 27, and further discloses providing

multiple views of the at least one graphical indicia (column 6, lines 36-52).

Claims 32-36. (Withdrawn)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BA HUYNH
PRIMARY EXAMINER

12/2/2